

# TOWN OF CHATHAM

## WATERWAY REGULATIONS

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CHATHAM TOWN CLERK

Regulations for Mooring, Mooring Permits, Anchoring, Docking, Temporary Berthing of  
Vessels, and Boat Ramps

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## §1001 Enabling Authority, Penalties, and Enforcement

1. These regulations are adopted by the Harbormaster pursuant to Massachusetts General Laws Chapters 40 §22(f), 90B, 91 §10A & §10C, and 102; Code of Massachusetts Regulations (CMR) 310 Section 9.07, CMR 323; and Chapter 265 (Waterways) of the Town of Chatham General By-laws.
2. The Harbormaster and Assistant Harbormasters have the authority to enforce all regulations set forth herein.
3. The Wharfinger and Assistant Wharfingers have the authority to enforce the regulations for the Municipal Fish Pier set forth herein.
4. The Harbormaster may issue additional terms, conditions, and/or restrictions not set forth in these regulations (MGL Chp. 91 §10A & §10C).
5. Violations of these regulations or By-laws may be punishable by a written warning or fine up to \$200.00 per offense, suspension, or revocation of docking or mooring permit, as determined by the Harbormaster.
6. Violation of Haul-out Regulations (§1028) or abuse of these facilities may result in a non-criminal fine of up to \$200 per day and/or removal of the vessel from the site, and all costs associated with the vessel removal and storage, required repairs, clean-up, and remediation to the facility, and loss of the privilege for future use of the facility.
7. Nothing in these regulations shall restrict any action by the Harbormaster or Assistant Harbormaster if in his/her judgement such action is necessary to protect life or property.

## §1002 Definitions

The following words, for the purpose of these regulations, unless another meaning is clearly apparent for the way the word is used, have the following meanings:

1. "Aggrieved Person" means any person or entity whose mooring permit has been revoked or not renewed; any person who leases a mooring from a Recreational Boating Facility and whose lease is cancelled or not renewed; any person or entity whose name appears on a Town or private waiting list and who was passed over when a mooring became available."
2. "Appropriate Vessel" means a vessel which, based on length, beam, draft, type, and/or other factors, can be safely moored or docked in a particular location.
3. "Berth" means any space wherein a vessel is confined by wet slip, float, mooring, or other type of docking facility.
4. "Boatyard" means a facility whose function is the construction, repair, or maintenance of vessels, which may include provisions for vessel storage and docking while awaiting service.
5. "Channel" means a navigable route for the passage of vessels, established by customary use under the authority of federal, state, or municipal law.

6. "Charter Boat" means any charter vessel embarking passengers for hire, for the purpose of sport fishing from the Fish Pier.
7. "Commercial Fishing Classification" means any mooring permit holder or person or entity on the waiting list who, in the opinion of the Harbormaster, is engaged in fin or shellfishing as his/her or its principal occupation (i.e. deriving no less than 75% of their income from fishing related activities).
8. "Commercial Fishing Vessel" means any vessel that unloads or intends to unload at the Fish Pier any seafood product, for the purpose of sale, except bay scallops and soft shell clams.
9. "Fish Pier" means the municipal Fish Pier complex between Shore Road and the waters of Aunt Lydia's Cove and Chatham Harbor, including but not limited to bulkheads, fish-packing house, floating dock(s), Wharfingers building, and parking areas.
10. "Fishing Season" means the 12 month period starting June 1 and ending May 31 of the next year.
11. "Harbormaster" means the duly appointed Harbormaster or Assistant Harbormaster.
12. "Immediate Family" means parents, siblings, children, spouses, and legally adopted step-children.
13. "Kelp Farming" means the installation of moorings and floating lines designed for the aquaculture production of kelp or other seaweeds.
14. "Length" means the straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline, exclusive of bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.
15. "Marina" means a berthing area with docking facilities under common ownership or control and with berths for ten or more vessels, including commercial marinas, boat basins, and yacht clubs. A marina may be an independent facility or may be associated with a boatyard.
16. "Mooring Tackle" means the anchor(s), chain(s), hawser(s), bridle(s) and so forth, used to secure a vessel.
17. "Other object" means any floating object, including but not limited to floats or rafts, storage cars for marine seafood products, secured by anchors or bottom moorings.
18. "Person" means any individual, partnership, trust, firm, corporation, association, commission, district, department, board municipality, public or quasi-public agency or authority.
19. "Private Recreational Boating Facility" means a facility for berthing of recreational vessels at which all berths and accessory uses thereto are not available for patronage by the general public, or where exclusive use of any such berth is available on a long-term basis. Such berths shall not include a berth reserved for the operator of said facility.
20. "Seafood Product" means finfish, shellfish, lobsters, sea scallops, and all other seafood.
21. "Qualified Mooring Inspector" means an individual who has received written approval to inspect moorings from the Harbormaster. The Office of the Harbormaster shall maintain a list of qualified mooring inspectors.

22. "Resident" means any person who owns real estate property in the Town of Chatham and/or any person whose residency is established in Chatham. In order for residency to be established in Chatham, that person must possess a current Massachusetts driver's license (or other legal state identification) with an address in Chatham and, if applicable, identify a Chatham address on that person's state and federal income tax returns.
23. "Shellfish" means all mollusks, sea clams, mussels, and sea scallops (including meats not in the shell) and lobsters.
24. "Tour Boat" means any vessel embarking passengers for hire in order to conduct tours, sightseeing or beach shuttles from the Fish Pier.
25. "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.
26. "Wharfinger" means manager of a wharf.

### **§1003 Applicability**

These regulations apply to all:

1. Mooring tackle in the tidal waters of the Town of Chatham and fresh water ponds
2. All vessels or other objects anchored, moored, or docked on the tidal waters and fresh water ponds of the Town of Chatham.

### **§ 1004 Annual Fees**

The following fees shall apply to all vessels, moorings or other objects, both public and private, moored on waters of the Town of Chatham. The fees are for all vessels on moorings, docking, slips, docks, rack storage, utilizing town launching ramps, piers, or floats and apply to both commercial and recreational vessels and facilities. Mooring fees shall be deposited into the Waterways Improvement Account and used in accordance thereto. All other fees shall be deposited into a Town account (Waterway User Fee Revolving Account) dedicated to the purchase and/or improvements of publicly owned or leased waterfront infrastructure or dredging.

1. Mooring Fees<sup>1</sup>a. **Private Moorings:**

All vessels, length overall:	\$3.50 / foot
"Mooring Only"	\$40.00
Kelp Farm Mooring: (Waterways By-law 265-1A)	\$5.00

b. **Commercial Fishing Vessel Classification:**

All vessels, length overall:	\$2.50 / foot
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c. **Renters of commercial rental moorings/slip**

All vessels, length overall:	\$3.50 / foot
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d. **Commercial/Rental Moorings (Marina / Boatyard):**

For each mooring available for rent to the general Public	\$150.00
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e. **Town Transient Moorings**

Resident/Non-resident taxpayer:	N/C
Non-resident – current mooring permit holder:	\$10.00 per night
Non-resident – transient	\$50.00 per night

2. Waitlist Fees<sup>1</sup>a. **Waiting list fees moorings and float docks**

Resident/Non-resident taxpayer	
Initial fee/Annual renewal fee:	\$5.00 per/vessel/float/area
Non-resident	
Initial fee/Annual renewal fee:	\$15.00 per/vessel/float/area

b. **Waiting list fees for all Docking Permits<sup>2</sup>**

Resident/Non-resident taxpayer:	
Initial fee/Annual fee:	\$5.00 per vessel
Non-resident:	
Initial fee/Annual fee:	\$15.00 per vessel

c. **Waterways User Permit Fees<sup>2</sup>**

Resident:	50.00 per vessel
Non-resident:	\$150.00 per vessel

**\*NOTE\*** Waterways User Permit Fee includes applies to all of the above vessels and categories except category 1.e. above.

<sup>1</sup> The Board of Selectmen shall set, approve, reduce, or revise Mooring Fees after consultation with the Waterways Advisory Committee in accordance with Waterways Bylaw Section 265-14H. The Waterways Advisory Committee shall hold a public hearing prior to any proposed changes or adoption by the Board of Selectmen of new or revised Mooring Fees in accordance with Waterways Bylaw Section 265-1C. The Board of Selectmen shall set, approve, reduce, or revise Waitlist Fees, Haul-out Fees, and Late Fees (mooring/waitlist).

<sup>2</sup> The Harbormaster shall set, approve, reduce, or revise Waterways User Permit Fees, fees for Docking Permits for Town Landings, Fish Pier (Docking) Fees, and Late Fees (Fish Pier [Docking]) in accordance with MGL Chp. 40 §22F and MGL Chp. 91 §10C.

3. Docking Permits for Town Landings<sup>2</sup>

Class A	\$50
Class B	\$100
Class C	\$150
Class D	\$300

4. Haul-out Fees<sup>1</sup>

a. All fees shall be paid in full and in advance of the work or berthing.

b. Haul-out Fee:

- i. Resident and Non-resident taxpayer \$25.00 per day for the first seven (7) days. After seven (7) days \$50.00 per day per vessel.
- ii. Non-resident \$50.00 per day for the first seven (7) days. After seven (7) days \$100.00 per day per vessel.

c. Wash-down Fee: \$35.00

d. Winter Shore-side Temporary Berthing: \$600 for the season (December 15<sup>th</sup> to April 30<sup>th</sup>).

## 5. Late Fees

- a. Moorings Permit renewal received after December 31<sup>st</sup> thru January 31<sup>st</sup>: \$25.00/month<sup>1</sup>
- b. Waiting List renewal received after December 31<sup>st</sup> thru January 31<sup>st</sup>: \$15.00/month<sup>1</sup>
- c. Any Docking Permit received after May 31<sup>st</sup> thru June 30<sup>th</sup>: \$25.00<sup>2</sup>

**\*NOTE\*** All late fees are in addition to the original fee.

6. Fish Pier Fees<sup>2</sup>

- a. DOCKING PERMIT A: Commercial Fishing Vessel – resident owner, \$350 plus \$3 per foot of length of vessel to be permitted.
- b. DOCKING PERMIT B: Commercial Fishing Vessel – non-resident owner, \$1,000 plus \$10 per foot of length of the vessel to be permitted.
- c. DOCKING PERMIT C: Commercial Fishing/ Charter Boat Vessel – resident owner, \$750 plus \$3 per foot of length of the vessel to be permitted.
- d. DOCKING PERMIT D: Commercial Fishing / Charter Boat Vessel – non-resident owner, \$1,300 plus \$10 per foot of length of the vessel to be permitted.
- e. DOCKING PERMIT E: Passenger Shuttle and Tour Carrying Vessels – resident owner, \$650 plus \$3 per foot of the length of the vessel to be permitted.
- f. DOCKING PERMIT F: South Jog Unloading Permit - vessel must obtain an appropriate Docking Permit plus pay an additional \$300 in order to unload all seafood products. (This shall

not include incidental landings of quahogs, steamers, or razor clams. This shall not include the incidental landing of lobsters by gillnetter).

- g. DOCKING PERMIT G: Fuel Purchase Permit – vessel must obtain the appropriate Docking Permit plus pay an additional \$50. (vessel fueling from a tank truck must be done in yellow zone only while adhering to all local and state fire fueling codes).
- h. FUEL VENDOR FEE: See Selectmen's Regulations for Chatham Municipal Fish Pier, §1005.
- i. SOUTH JOG UNLOADING VEHICLE PERMIT: See Selectmen's Regulations for Chatham Municipal Fish Pier, §1004.

## **§1005 Waterways User Permit**

1. A Waterways User Permit shall apply to all vessels on moorings, slips, docks, rack storage, piers, floats or using public launching ramps in the Town including under two week transient vessels on private or commercial moorings or slips. Waterways User Permits are calendar year permits and expire on December 31<sup>st</sup> of each year. For vessels attached to a current mooring permit, the Waterways User Permit will be included within the mooring permit with no additional decal issued. For all other vessels, the Waterways User Permit can be obtained at the Office of the Harbormaster or at the Sticker Office (when available). A Waterways User Permit decal shall be affixed to the portside of the vessel adjacent to the registration decal. This section does not apply to tenders used exclusively to access a moored or docked vessel.
2. The following commercial activities with two or more vessels will only be assessed a fee for two vessels. Additional vessels, above two in number, are required to obtain a Waterways User Permit at no charge.
  - a. Commercial fisherman who are residents or non-resident taxpayers who qualify for the Commercial Fishing Classification rate listed in §1009 (b)
  - b. Boatyards or marinas located within the Town of Chatham.
3. The following are exempt from the Waterways User Fee:
  - a. State agencies, Barnstable County Dredge vessels, municipalities, and the U.S. Coast Guard.
  - b. Commercial boat haulers, marine contractors, and users of Town transient moorings.
4. Waterways User Permit Fee is in addition to the mooring permit fee.
5. Vessels using Town of Chatham boat ramps must also comply with the provisions set forth in §1027.
6. The Harbormaster or his or her designee may issue a temporary Waterways User Permit on a case by case basis to other persons, agencies, or organizations requiring the use of public launching ramps.

## **§1006 Transient Permit Requirements**



1. The owner of any vessel moored in an approved location for a period of less than two weeks in the waters of Chatham shall give notice to the Office of the Harbormaster as to the length of stay and complete a Transient mooring/slip permit application.
2. A marina, boatyard, yacht club, or sailing camp may move, for a period not to exceed two weeks, a properly permitted vessel among or between moorings assigned to them provided such a change is to a mooring of equivalent or greater capacity.

### §1007 All Vessels Required to Have Mooring Permit

1. All vessels berthed **for two consecutive weeks or more** on the waters of Chatham (including fresh water ponds) shall obtain a mooring permit or a Third Party authorization from the Harbormaster.
2. Other objects, including, but not limited to, floats or rafts attached to ground tackle shall obtain an independent permit for mooring(s).
3. Vessels secured to a permitted moored float shall have a “vessel only” mooring permit.
4. Mooring permits are issued annually and expire on **December 31<sup>st</sup>** of the calendar they are issued.
5. A private mooring permit shall not be transferred, except to a member within the immediate family with-written approval of the Harbormaster. Request for a permit to be transferred must be made in writing by the primary permit holder or Executor of an Estate to the Harbormaster. When a mooring permit has been transferred, the new permit holder must have an approved vessel in their name within one year of accepting the transfer.
6. Any online renewal software or electronic mooring management system used for any permit(s) issued by the Harbormaster shall, prior to being utilized, be evaluated by the Town in accordance with MA procurement law and be recommended by the Harbormaster and Director of Natural Resources. No changes, except routine data entry/updates carried out by Harbormaster staff, to any data contained within an online mooring/waitlist management program, mooring database, or data repository, or any data related thereto, may be made without prior approval of the Harbormaster, his or her designee, and Director of Natural Resources.
7. Pulpits shall be fully retracted at all times while a vessel is on a mooring unless permission is granted otherwise by the Harbormaster.

### §1008 Obtaining a Mooring Permit

A person requesting an assignment of a mooring location and issuance of a mooring permit shall:

1. Complete and submit a “Town of Chatham Mooring Application” provided by the Office of the Harbormaster and pay the appropriate fee.
2. The Harbormaster must approve and sign the “Application” prior to any mooring being placed in town waters.

3. Failure to complete the steps above shall result in rejection and return of the application, or invalidate a permit.
4. If there is no mooring location available in the mooring area requested, the applicant may request to be placed on the "Waiting List" for a mooring location (See §1012).

### §1009 New Moorings

In accordance with recommendations set forth in applicable Harbor Management Plans the Harbormaster endeavors to maintain a stable level of mooring numbers within the Chatham waterways to limit the increase of new moorings. However, this recommendation does not limit the Harbormasters authority to assign new moorings when such assignment is warranted. When a new mooring is assigned by the Harbormaster, he shall do so in accordance with Waterways By-law §265-15F and G. All new assignment of moorings shall be taken from the first appropriate vessel on the waiting list (if applicable).

### §1010 Renewal of an Existing Permit

1. A mooring permit holder shall be mailed annually in October a "Mooring Permit Renewal" form from the Office of the Harbormaster, unless the Town provides a mechanism to deliver such form electronically, i.e. via email or web-based system. It is the responsibility of the mooring permit holder to ensure that the Office of the Harbormaster has a current legal mailing address and, if available, current e-mail address of the permit holder. Delayed receipt or non-receipt of a mooring permit renewal form via mail, or electronically, due to a failure of the customer to provide the Office of the Harbormaster with current legal mailing address or e-mail address shall not be grounds to waive any late fees accrued or reinstatement of permit if the delay or non-receipt results in forfeiture of the mooring location and associated mooring permit(s).
2. The mooring permit holder who wishes to renew the permit shall:
  - a. Ensure that information on the Mooring Permit Renewal Form is accurate and that all requested information is complete.
  - b. Provide copies of vessel registration, or other documentation, including completed mooring inspection form, as required.
  - c. Return the form(s) to the Office of the Harbormaster with the required annual fee by **December 31<sup>st</sup>** of each year. Customers who have not renewed by **December 31<sup>st</sup>** may renew permits with the appropriate late fees until **January 31<sup>st</sup>**.
  - d. For customers renewing their permits online (when available), required documents may be provided electronically, by mail, or in person.
3. A permit holder who does not wish to renew the permit should so indicate on the renewal form and return the form to the Office of the Harbormaster and ensure their mooring tackle has been removed within 30 days of said notice.
4. Renewal of a mooring permit may be denied if the permit holder is delinquent in the payment of any local taxes, fees, assessments, betterments, or any other municipal charges in accordance with the Town of Chatham General Bylaw, Chapter 180, §180-2.
5. Issuance of mooring permit decal may be withheld until all required documentation, i.e. vessel registration or documentation, mooring inspection form, etc. has been provided.

6. A person who fails to renew a mooring permit by **January 31<sup>st</sup>** shall forfeit the mooring location and the associated mooring permit. Ultimately, it is the responsibility of the permit holder to renew the mooring permit(s) by December 31<sup>st</sup> of each year whether or not that individual has received a Mooring Permit Renewal Form.
7. Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may appeal to the Division of Waterways of the Department of Environmental Protection within 30 days after receiving notice of such refusal or of the imposition of such condition or restriction (MGL Chp. 91 §10A.). In addition, an aggrieved person may also elect to pursue the local appeal process set forth in Chatham General Bylaws, Waterways, Chapter 265-23.

### **§1011 Mooring Float Regulations for Private Use**

1. A Mooring Float permit is required to moor a float at a mooring location in order to accommodate a second vessel. There shall be established a waiting list for float dock permits. Assignment of float dock permits shall be from the float dock waiting list. An application fee of \$5.00 for residents and \$15.00 for non-residents is required for placement on the waiting list with an annual renewal to remain on the list. Renewals will be sent in conjunction with the mooring waiting list and all requirements listed in §1012 for mooring waiting list apply to mooring float waiting lists. A mooring float permit may be issued by the Harbormaster subject to the following conditions:
  - a. A request for a float is to accommodate a second vessel owned and registered to a member of the immediate family or person on a waitlist.
  - b. Said float permit shall only be issued to a current mooring permit holder with an additional fee charged for the second vessel on the float.
  - c. In addition to the above, float permits may be issued to a private or commercial entity or individuals on a "special needs" basis (i.e. medical, elderly, or handicapped per the ADA) at the Harbormaster's discretion.
  - d. The float permit number and last name shall be attached to each end of float in 3" block letters of contrasting color.
2. Permits for floats will be issued with specific consideration given to keep channels clear for navigation.
3. Whenever the second side mooring requirement is no longer required by an immediate family member, with authorization of both float owner and the Harbormaster, second side availability may be assigned to another permit holder or person on any waiting list, on a temporary basis, with the approval of the Harbormaster. If the second side of the float is not used by an immediate family member or a person on a waiting list within 2 years, the float permit may be revoked.
4. A mooring permit for a float shall not be transferred, except to a member of the immediate family, with written approval from the Harbormaster. Request for a permit to be transferred must be made in writing by the primary permit holder or Executor of an Estate to the Harbormaster. When a mooring permit for a float has been transferred, the new permit holder must have an approved vessel in their name within one year of accepting the transfer.

5. Float permits are issued annually and expire on December 31<sup>st</sup> of the year they were issued. They may be revoked for any violation of the mooring regulations.
6. Float Specifications
  - a. The size of the float is to be determined by the Harbormaster dependent on the size of the vessel(s) with a maximum float size of 6 x 24 feet.
  - b. Mooring tackle specifications will be as specified by the Harbormaster.
  - c. Floats should have an attached boarding ladder and may have a storage box, with a maximum size of 2 x 4 feet fastened to the structure. No other items may be attached to the float. The storage box may not contain flammable liquids or other pyrotechnic materials.
  - d. Floats are for seasonal use only and must be removed by Nov. 1<sup>st</sup> each year unless permission is extended by the Harbormaster. New season launch date for floats shall be April 1<sup>st</sup> or later. The winter storage location must be reviewed and approved by the Harbormaster. In no case shall they be stored below the high tide line.
  - e. Construction of the float shall be approved by the Harbormaster or his representative with particular emphasis on cleats which shall be through bolted with backing plates.
  - f. Floats must be of a natural wood color. Only copper-free water based bottom paint shall be used.
  - g. The use of bare blue foam flotation is prohibited for new float construction or any float associated with a new float permit. New floats shall use plastic float boxes or blue foam flotation encapsulated in a non-permeable protective coating. Existing floats may continue to use bare blue foam flotation but shall replace the bare blue foam flotation whenever repairs or maintenance is performed on the float. All mooring floats shall be required to have plastic float boxes or blue foam encapsulated in a non-permeable coating by January 1, 2025.

#### **§1012 Waiting Lists for Mooring Location Assignment**

1. The Harbormaster will identify those mooring areas which have achieved maximum mooring saturation and establish a waiting list for the issuance of mooring locations and permits for those areas.
2. A person desiring a mooring location in an area with a waiting list shall complete a "Mooring Waiting List Application" and submit it to the Office of Harbormaster with the required fee. See §1004-2.
3. The Harbormaster shall enter the name of the individual and a description of the vessel, in chronological order from the date the application is received on the waiting list for the area requested.
4. A person shall not list more than two vessels on the waiting list for a given area.

5. Annually, by **May 1<sup>st</sup>** of each year, the Harbormaster shall post online and at the Office of the Harbormaster the current waiting list for each area.

### §1013 Assignment of Mooring Location in Waiting List Areas

1. When a mooring location becomes available, the Harbormaster shall offer the location to the first person on the waiting list for that area with an appropriate vessel (length, draft, beam, vessel type, etc.) for the location. The individual is required to have an approved vessel within a year of accepting the mooring location and said vessel shall be no more or less than two feet of the requested length on the waiting list without prior approval of the Harbormaster.
2. If a person chooses not to accept the mooring location, the Harbormaster will contact the next person on the waiting list with a vessel appropriate for the mooring location and so forth until the location has been assigned. A person who defers or does not respond to an offer for a mooring location shall not be offered another location until they have notified the Harbormaster, in writing 30 days in advance, of their intent and/or readiness to accept a mooring assignment and purchase an approved vessel within the year of acceptance. This will not affect a person's position on the waiting list so long as they continue to renew according to the specified regulations but does not guarantee an immediate assignment of a mooring location.
3. If a mooring location in Aunt Lydia's Cove that is assigned and permitted to an individual becomes unusable due to shoaling or other natural causes, the Harbormaster may assign said vessel (exceeding 31' only) to a mooring that becomes available on a temporary basis. That relocated vessel shall return to its original location when the shoaling is removed or the natural cause has been abated.

### §1014 Waiting List Renewal and Removal from Waiting List

1. Persons on the waiting list shall be mailed a "Waiting List Renewal" notice each year in October unless the Town provides a mechanism to deliver such form electronically, i.e. via email or web-based system. The form must be completed and returned to the Office of the Harbormaster, unless renewing electronically, indicating the intent (or not) to remain on the waiting list(s) and of any change in the information contained in the original application. It is the responsibility of persons on the waiting lists to ensure that the Office of the Harbormaster has the person's current legal mailing address and current e-mail address. A delayed receipt or non-receipt of a waiting list renewal form via mail or electronically due to a failure of the permit holder to provide the Office of the Harbormaster with their most current legal mailing address or e-mail address will not be grounds to waive any late fees accrued or reinstatement of their placement on the waiting list if the delay or non-receipt results in their removal from the waiting list. Ultimately, it is the person's responsibility to renew the waiting list(s) by **December 31<sup>st</sup>** of each year whether or not that person has received a renewal notice.
2. The form must be returned by **December 31<sup>st</sup>**, with the appropriate renewal fee. Persons who have not renewed their waiting list by **December 31<sup>st</sup>** may still renew their waiting list standing subject to the appropriate late fees until **January 31<sup>st</sup>**.
3. Any person who fails to notify the Office of Harbormaster by **January 31<sup>st</sup>** that they wish to remain on a waiting list and pay the appropriate fee and late fees shall be removed from the subject waiting list.

## §1015 Rental of Moorings

1. No person shall rent or lease a mooring unless authorized by the Harbormaster.
2. Commercial (rental) moorings shall have a “commercial mooring permit” issued by the Office of the Harbormaster.
3. Annually, boatyards, marinas, and commercial mooring permit holders authorized to rent moorings shall provide the Office of the Harbormaster a list of all new and returning rack storage, slip, and mooring rental customers by March 1st.
4. Violation of this Section may result in the revocation of the mooring permit, removal of the mooring, and non-criminal citation and fines consistent with Chapter 265 of the Town of Chatham General Bylaws.

## §1016 Two Year Rule

1. In a waiting list area, when a permit holder no longer owns the vessel described in the mooring permit or discontinues use of a mooring, as determined by the Harbormaster after a permit review, the permit holder may retain the mooring location for a period not to exceed two (2) years, and the mooring may be used by another vessel as prescribed in §1017.
2. If, after two (2) years the permit holder does not own a vessel requiring the mooring or has not continued to use the mooring as described above, the permit holder shall forfeit the mooring and remove their mooring tackle within 30 days. The Harbormaster may reassign the mooring location.

## §1017 Mooring Used by Persons Other Than the Permit Holder (“Third Party Use”).

1. At times when a mooring is not used by the mooring permit holder, or when a mooring permit holder has discontinued use of a mooring as determined by the Harbormaster after a permit review, or no longer owns the vessel described in the permit, the mooring may be used by another vessel, provided prior written approval is obtained by both the permit holder of the mooring and the Third Party User from the Harbormaster subject to the following provisions:
  - a. When a mooring is used by a vessel owned and operated by a person who is not the permit holder of the mooring, it shall be the responsibility of the owner/operator of said vessel to maintain the mooring and leave it in the same condition as when first used by him or her.
    - i. A Third Party User may not rent a mooring from the permit holder (Section 1015).
    - ii. A Third Party User may:
      - (a) Reimburse a permit holder the mooring fee.
      - (b) Maintain or, with permission of the permit holder, replace tackle at the expense of the Third Party User.
  - b. If during the period of use by the vessel of a Third Party User the mooring tackle is lost, dislocated, or damaged, the Third Party User shall be liable to the permit holder of the mooring for a sum of money sufficient to recover, restore, renew, replace, and/or relocate the mooring tackle to the approved location and to the condition it was first used by him or her.

- c. In areas where there is an established waiting list for mooring location assignment, the mooring permit holder shall notify the Harbormaster, in writing, that the mooring is not being used. The mooring may be temporarily used by a person, with an appropriate vessel, on any waiting list with approval of the Harbormaster. Persons not seeking a permanent mooring assignment are not required to be on any waiting list.
  - d. In areas where there is an established waiting list, a mooring may only be used by a Third Party User for a period not to exceed two consecutive years. If, after two years, the permit holder has not resumed use of the mooring the Harbormaster shall place the Permit under review and the permit holder must provide a written explanation for the non-use of the permit. A permit holder who fails to provide a written explanation to the Harbormaster or upon review by the Harbormaster has not provided a sufficient explanation for non-use of the mooring shall forfeit the mooring and remove the mooring tackle within 30 days.
2. The Third Party User must submit all pertinent information on the vessel involved to the Office of the Harbormaster, and shall pay the appropriate mooring fee. Current private mooring permit holders who wish to obtain a third party permit for the permitted vessel attached to their private mooring will not be charged an additional fee for the third party permit.
3. The Third Party User will receive a decal to be placed on the port (left) side of the vessel with the number corresponding to the permit number of the mooring.

#### **§1018 Moving, Relocating, Removal of Moorings**

1. Moorings shall not be moved from an approved location without prior approval of the Harbormaster.
2. If for any reason the approved location of a mooring is not adequate for the vessel, it shall be the responsibility of the permit holder to move the mooring within ten (10) days, to a new location approved by the Harbormaster.
3. In the event that a mooring is moved from its approved location by a storm, ice, or other cause, it shall be the responsibility of the permit holder of the mooring to, at the earliest possible opportunity, but in no case later than (14) days from the date the dislocation of the mooring is or could be discovered, relocate the mooring to the location originally approved, or to another location approved by the Harbormaster.
4. The Harbormaster may relocate, remove or cause to be removed or relocated any mooring or vessel whenever, in their judgment, the safety of other vessels or the maximum use of the area requires such action.
5. Any expense of such inspection, removal or relocation and any liability incurred therefore, shall be the responsibility of the permit holder of said mooring.
6. A private mooring shall not be moved from an approved location without prior approval of the Harbormaster or Assistant Harbormaster. Request for a private mooring to be re-located or traded for another location must be made in writing to the Harbormaster.

## **§1019 Lost Moorings**

1. In the event that a mooring is lost it shall be the responsibility of the permit holder to, at the earliest possible opportunity, locate, mark, and properly identify said lost mooring.
2. If after (6) months the permit holder fails to locate, mark, and properly identify a lost mooring, he shall relinquish that approved location and the mooring may be removed by the Harbormaster.

### **MOORING TACKLE SPECIFICATIONS, IDENTIFICATION and INSPECTION OF MOORINGS**

## **§1020 Mooring Tackle Specifications**

1. Substitutions of similarly sized or type mooring anchors are not permitted without approval of the Harbormaster. Elastic mooring rodes are acceptable with use of the manufacturer's specifications and approval from the Harbormaster.
2. The tackle specifications outlined below are minimum standards and are not designed to meet severe conditions. If severe weather is predicted, the prudent mariner should take additional measures, including removal of the vessel from the water or relocation to a more protected harbor.



<b>PROTECTED AREAS</b> (The Mill Ponds, Mitchell River, Oyster River, Oyster Pond, Outermost Harbor, Taylor's Pond, Ryder's Cove, Crows Pond, and all Freshwater Ponds)						
Vessel Length	Mushroom	Screw Anchor (lbs. Holding Power)	Pyramid	Chain Size	Hardware Size	Line Size
Up to 13'	50 lbs.	1,500 lbs.	50 lbs.	3/8"	3/8"	7/16"
14' – 16'	75 lbs.	1,500 lbs.	100 lbs.	3/8"	3/8"	7/16"
17' - 20'	100 lbs.	2,500 lbs.	200 lbs.	1/2"	1/2"	1/2"
21' - 24'	200 lbs.	4,000 lbs.	300 lbs.	1/2"	1/2"	5/8"
25' - 27'	300 lbs.	5,000 lbs.	350 lbs.	5/8"	5/8"	3/4"
28' – 30'	400 lbs.	7,000 lbs.	500 lbs.	3/4"	3/4"	7/8"
31 - 40'	None	10,000 lbs.	1,000 lbs.	1"	1"	" 1"
41' - 50'	None	12,000 lbs.	2,000 lbs.	1"	1"	1 1/8"
Over 50'	As Specified by the Harbormaster					
Float Docks	1) Increase weight of anchor by 100 lbs. using anchor weight of largest vessel moored to float dock. 2) Over 100 SF, 400 lbs. pyramid anchor weight. 3) Swim floats, fresh water – up to 100 SF, 200 lbs. pyramid mooring, 3/8" chain and 5/16" bridle with a 3:1 scope.					

**EXPOSED AREA 1**

(Pleasant Bay, Inner and Outer Stage Harbor, Nantucket Sound)

Vessel Length	Mushroom	Screw Anchor (lbs. Holding Power)	Pyramid	Concrete Block	Chain size	Hardware Size	Line Size
Up to 13'	75 lbs.	1,500 lbs.	200 Lbs.	None	3/8"	3/8"	7/16"
14' - 16'	100 lbs.	1,500 lbs.	200 Lbs.	None	3/8"	3/8"	7/16"
17' - 20'	150 lbs.	2,500 lbs.	200 Lbs.	None	1/2"	1/2"	1/2"
21' - 24'	250 lbs.	4,000 lbs.	400 lbs.	None	1/2"	1/2"	5/8"
25' - 27'	350 lbs.	5,000 lbs.	700 lbs.	None	5/8"	5/8"	3/4"
28' - 30'	None	7,000 lbs.	700 lbs.	3,000 lbs.	3/4"	3/4"	7/8"
31' - 40'	None	10,000 lbs.	700 lbs.	4,000 lbs.	1"	1"	1"
41' - 50'	None	12,000 lbs.	1,000 lbs.	6,000 lbs.	1"	1"	1 1/8"
Over 50'	<b>As Specified by the Harbormaster</b>						
Float Docks	<b>As Specified by the Harbormaster</b>						

**EXPOSED AREA 2**

(All of the Chatham Harbor, Aunt Lydia's Cove)

Vessel length	Mushroom	Pyramid	Concrete Block	Chain size	Hardware Size	Line Size
Up to 13'	75 lbs.	70 lbs.	200 lbs.	3/8"	3/8"	7/16"
14' - 16'	100 lbs.	135 lbs.	300 lbs.	3/8"	3/8"	7/16"
17' - 20'	150 lbs.	200 lbs.	500 lbs.	1/2"	1/2"	1/2"
21' - 24'	250 lbs.	400 lbs.	1,000 lbs.	1/2"	1/2"	5/8"
25' - 27'	350 lbs.	500 lbs.	2,000 lbs.	5/8"	5/8"	3/4"
28' - 30'	400 lbs.	700 lbs.	3,000 lbs.	3/4"	3/4"	7/8"
31' - 40'	None	1,000 lbs.	4,000 lbs.	1"	1"	1"
41' - 50'	None	2,000 lbs.	6,000 lbs.	1 1/8 "	1 1/8 "	1 1/8"
Over 50'	<b>As Specified by the Harbormaster</b>					

Float Docks	As specified by the Harbormaster
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3. Construction of mooring blocks shall be approved by the Harbormaster. Concrete blocks 1000 lbs. and over shall be steel-reinforced. Hairpins shall be 25% heavier than required chain.
4. Size equivalents for concrete blocks:
 

150 lbs. = 18"X18" X 6"	1000 lbs. = 28" X 28"X 18"
300 lbs. = 18"X18" X 12"	2000 lbs. = 36" X 36"X 18"
500 lbs. = 22"X 22" X 12"	4000 lbs. = 48" X 48"X 21"
	6000 lbs. = 48" X 48"X 31"
5. **Total length and pennant** – shall be equal to at **least 3-times** the depth of water at **Mean High Water (MHW)** where the mooring is located, but shall not be more than 4-times the depth of water at MHW without the permission of the Harbormaster.
6. **Mooring pennants (hawsers)** shall be three strand-nylon or equivalent, shall not float, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings, shall be shackled directly to the chain, and shall be equipped with adequate chaffing gear where they pass through chocks or hawse holes.
7. **Length of mooring pennants (hawsers)** shall be **2 ½ times** the distance from the waterline to the top of the stem, plus the distance to the deck cleat.
8. **Shackles** shall be **one size larger than** the chain to which it is attached.
9. **Swivels**, if used, shall be one size larger than the chain to which they are connected.
10. **Shackles** and **swivels** shall be **secured** to prevent loosening.
11. **Screw anchors** shall be installed by a **licensed installer** certified by the anchor manufacturer and approved by the Harbormaster.
12. Location of all **permanent** mooring anchors, including blocks, shall be assigned by the Harbormaster, and **exact latitude / longitude positions**, using GPS or other approved system, must be obtained and recorded by the installer during the installation, and provided to the Harbormaster.
13. **No new concrete blocks** are permitted in **protected areas**. Existing blocks will be replaced with alternative systems through attrition.
14. **All mushroom anchors** should be equipped with an appropriately sized **shank weight** to assist in the proper 'setting' of the mooring.
15. **Mooring buoys** shall be **white mooring balls with a blue horizontal stripe**.
16. **Winter spars** shall:
  - a. Be white in color with a blue band

- b. Be upright at an angle of not less than forty-five (45) degrees at any period of tide and have a minimum of 18 inches exposed.
- c. Not be constructed of **wood**.
- d. Not be used between **June 15<sup>th</sup> and October 1<sup>st</sup>**.
- e. Be identified with the permit holder's name and assigned mooring permit number.

## §1021 Identification of Moorings

1. The last name of the permit holder and assigned **mooring permit number** shall be permanently and legibly displayed on the **mooring buoy or winter spar** in block characters (letters and Arabic numerals) of at least one (1) inch in height and must contrast in color with the background.
2. All mooring permit numbers are permanently assigned.
3. The number will not change from year to year unless approved by the Harbormaster.

## §1022 Identification of Vessels or Other Objects Secured By Mooring Tackle

1. Each vessel or other object attached to a mooring shall display a current mooring permit decal. The mooring decal shall be displayed in a visible location on the port (left) side of the vessel and to the right of the state registration decal if registered. Documented vessels shall affix their mooring decal to the forward most part of the vessel on the port side below the rail.
2. If not registered, owners of a sailing vessel may affix the mooring permit decal on the port side near the bottom of the main mast.
3. The numbers on the mooring ball and mooring permit decal shall be the same unless otherwise authorized by the Harbormaster.
4. All dinghies, prams and tenders used to access moored vessels shall display a decal issued by the Harbormaster, on the port side inside of the transom. The decal shall include current identification and contact information of the vessel owner. In lieu of a decal, the owner of a dinghy, pram or tender may paint their name and contact information on the port side inside of the transom.
5. As a condition of each mooring permit, no one will be permitted to store their dinghy, pram or tender on town-owned property after November 30<sup>th</sup> or before April 15<sup>th</sup> of each year, unless the dinghy, pram or tender is in active use by the permit holder. Failure to remove the vessel from town property by those dates may result in fines, the vessel being removed at owner's expense, or both.

## §1023 Mooring Inspections

1. All moorings shall be inspected and approved by a Qualified Mooring Inspector before being placed in service in the waters of the Town of Chatham, including fresh water ponds.

### *Mooring Inspection Guidelines:*

- a. Any chain showing more than 33% wear from the size specified in the mooring regulations must be replaced. If a mooring chain meets the 33% guideline but shows excessive or uneven wear in the opinion of the inspector, he may require another inspection within one year.

- b. Any chain which has deformed (stretched or bent) links must be replaced.
  - c. Only double-ring type or double shackle type swivels are permitted and must be replaced when ring or shackle pin is 33% worn. Swivels are only to be used between chain and pennant.
  - d. Shackles must be replaced when worn 33%. All shackles must be seized with electrical (plastic) wire ties or stainless steel wire.
  - e. Mushroom anchor eyes and shafts – wear must not exceed 33% of their diameter when new.
  - f. Mooring pennants with obvious chafing, stretching, or unlaying must be replaced. Approved pennant materials are nylon (strand or double braid), and pro-d nylon and Dacron).
  - g. Chain and tackle shall be supported by a floating mooring ball (hard plastic or inflated ball).
  - h. Mooring balls must be white with blue band and have the permit holder's last name and permit number legibly painted on same.
  - i. The Harbormaster shall assign all mooring locations.
  - j. Mooring inspections shall comply with all provisions contained in Sections 1020-1023 of the Town of Chatham Mooring Regulations.
  - k. Individual mooring owners may inspect their own mooring tackle using the Town of Chatham mooring specifications.
  - l. The use of domestic made chain and hardware is recommended.
2. All moorings and mooring tackle shall **pass inspection at least once every two years upon inspection** by a Qualified Mooring Inspector or individual mooring owner.

*Qualified Mooring Inspectors (Waterways By-laws Section 265-14(d))*

- a. Must be able to supply service, and/or repair all types of moorings in Chatham waters for which he/she has been qualified.
- b. Must be able to install or replace all moorings in their original field or on a site assigned by the Harbormaster.
- c. Inspectors must certify that moorings tackle and equipment complies with all Town of Chatham regulations including labeling mooring ball with permit # and permit holder's last name. The inspector shall provide to the Harbormaster a completed mooring inspection form for every inspection.
- d. The issuance of a permit to become a Qualified Mooring Inspector requires proof of liability insurance in the amount of \$250,000.
- e. The Town of Chatham Harbormaster retains authority to manage all moorings activities, including issuing permits, inspections, assignment of mooring locations, and collection of mooring permit fees.

- f. Inspectors shall adhere to all Town of Chatham mooring regulations and by-laws.
- g. Appointment of an individual as a Qualified Mooring Inspector confers no law enforcement authority upon said individual.
- h. Inspectors with the approval of the mooring permit holder may inspect the mooring by hoisting from the water or by using a certified diver.
- i. Mooring inspectors shall be appointed for a three year period unless sooner suspended or revoked for failure to adhere to the mooring inspection guidelines set by the Waterways Regulations.
- j. The Harbormaster may, at any time, inspect any mooring; and may remove or cause to be removed any mooring that fails to meet the provisions of these regulations or Town Bylaws. If a mooring is inspected and is found to be in non-compliance by the Harbormaster, the permit holder will be required to either hire an authorized inspector or bring the mooring tackle to the Harbormaster for inspection before being placed back into use.

## §1024 Anchoring

Vessels may anchor within Chatham waters, so long as they do not obstruct navigation channels and shall not anchor in mooring areas so as to impede navigation or moored vessels. Vessels anchored overnight must notify the Harbormasters Office. Mariners will ensure they are properly anchored, using appropriate size anchor tackle, proper lighting and other measures, including moving the vessel, as may be determined by the Harbormaster or that the owner/operator may deem necessary and prudent. Vessels shall not anchor in lieu of obtaining a mooring permit if applicable.

## §1025 Live Aboards

Living aboard may be permitted at the discretion of the Harbormaster subject to the following conditions:

1. Permission restricted to mooring permit holders and transients with permission of the Harbormaster.
2. Permission shall be requested in advance, or on arrival. Each permission period shall be good for not more than 15 days and may be renewed, for not more than an additional 15 days, at the Harbormasters' discretion, for a total of no more than 30 days in a calendar year.
3. Before permission is granted, the vessel shall be inspected by the Harbormaster for oil (or other contaminant) free bilges and a marine sanitation device with a holding tank and lockable/sealable valve on any thru-hull discharge. This valve shall be locked or sealed by the Harbormaster during the permission period.
4. The vessel shall use a pump-out facility on a schedule determined by the Harbormaster. Frequency dependent of the size of the tank and number of occupants.
5. No more persons may live aboard a vessel than the vessel has accommodations.
6. No laundry may be hung where it may be visible from the shore or other vessels.

7. No music or other sounds may be amplified to a disturbing level.
8. No garbage or trash shall be disposed of except in on-shore containers. Washing soap should be of the low nutrient, non-toxic variety. Detergents and cleaning compounds used aboard must be phosphate free and biodegradable. Use of detergents containing ammonia, hypochlorite, chlorinated solvents, petroleum distillates or lye is prohibited. Vessels with onboard pets are required to dispose of pet feces in proper shore-side facilities. As per Chatham Waterways-By-laws, the discharge or disposal of petroleum products, dead fish or shellfish, fish frames, garbage, waste, rubbish or debris on the waters, shore or beaches is prohibited.
9. Permission may be terminated by the Harbormaster in the event excessive noise or cluttered appearance is deemed to be nuisance, or if any of the above conditions, Waterways By-laws, or Waterways Regulations is violated.

### **§1026 Regulations for Town Docks, Piers, Wharfs, Floats, and Bulkheads Other Than the Fish Pier [formerly a standalone set of regulations adopted by the Harbormaster]**

The following regulations for use of Town Docks, Piers, Wharfs, Floats and Bulkheads associated with Town Landings and other Town-owned property located in the tidewaters of the Commonwealth have been adopted by the Harbormaster.

1. Maximum size (overall length) of recreational vessels, commercial fishing vessels, or other private or commercial vessels which may temporarily tie up, or be secured at a Town dock or a float for the purposes of loading and unloading fishing catch, cargo or persons are listed below. These maximum limitations assume infrequent usage (four tie-ups per day or less), and normal weather and tidal current conditions. Vessels in excess of the size limitation must receive approval of the Harbormaster or Assistant Harbormaster prior to securing to a Town dock or float.
  - a. Chatham Municipal Fish Pier Float: 50 feet
  - b. Ryders Cove Float: 36 feet
  - c. Old Mill Boatyard Float: 50 feet
  - d. Barn Hill Landing Float: 31 feet
  - e. Little Mill Pond Float: 26 feet
2. Listed below are maximum sizes (overall length) for vessels which may temporarily tie up or be secured to a Town Dock or float for purpose of loading and/or unloading passengers in conjunction with a livery or harbor touring service, or are otherwise carrying passengers for hire on a more frequent, and regular and scheduled basis (4 tie-ups per day or more). These maximum vessel size limitations assume normal weather and tidal current conditions. Vessels in excess of these limitations may be allowed usage of the Town facility under conditions set forth by the Harbormaster or Assistant Harbormaster.
  - a. Chatham Municipal Fish Pier Float: 50 feet
  - b. Ryders Cove Float: 31 feet
  - c. Old Mill Boatyard Float: 35 feet
  - d. Barn Hill Landing Float: 28 feet
  - e. Little Mill Pond Float: 22 feet (launch service only)

3. The maximum number of passengers which a commercial passenger vessel can at one time carry, and load or unload at any Town dock or float is 25. Vessels needing to load or unload passengers in excess of 25 must receive permission of the Harbormaster or Assistant Harbormaster.
4. No vessel may tie up at Town float for greater than fifteen (15) minutes without the expressed permission of the Harbormaster or Assistant Harbormaster. Red Zones, Yellow, and Green Zones which may be so designated at a Town float are defined as follows:
  - a. Red Zone: Tie up limit 15 minutes
  - b. Yellow Zone: Load and unload only, no unattended vessel
  - c. Green Zone: Prams, tenders and skiff's 14' or less
5. In the interest of public safety, listed below are the maximum number of persons who may remain on a Town float at the same time:
  - a. Chatham Municipal Fish Pier: 15
  - b. Ryders Cove: 15
  - c. Old Mill Boatyard: 15
  - d. Barn Hill Landing: 8
  - e. Little Mill Pond: 8
6. No dinghies may be secured to Town docks or floats without permission of the Harbormaster or Assistant Harbormaster.
7. No vessel may tie to, or be secured in any way to a Town-owned vessel while it is berthed.
8. No vessel may power on, or off, trailer while launching or loading the vessel from a Town ramp.
9. No personal items, cargo, fishing catch, or other private gear or vessel equipment shall be left on or at a Town dock, float or bulkhead any longer than is reasonably necessary to transfer said items to and from the vessel or vehicle.
10. The discharge, disposal, or dumping of oil, dead fish, fish parts, rubbish, refuse or debris onto the dock, float, bulkhead or in the tidewaters or shores of the Town of Chatham is strictly forbidden. Violators will be prosecuted in accordance with all applicable Town, State, or Federal laws.
11. There shall be no scaling or cleaning of fish or shellfish at any Town dock, float, or bulkhead except at Town owned tables provided for such purpose at Old Mill Boatyard, Ryder's Cove and Barn Hill Landings. All waste from the scaling or cleaning of fish or shellfish at the above authorized locations shall be disposed of properly.
12. No vessel may be secured to a Town dock, float or bulkhead in a manner which interferes with the use of, or launching of a vessel at a Town ramp.
13. Vessels requiring the use of Town operated marine sanitation pump-out facilities must contact the Harbormaster's Office to arrange a mutually convenient time to receive the pump out service.
14. The Town shall not be held responsible for any loss or damage to vessels ~~or vessels~~ at the Town dock, float or bulkhead. Vessel owners will be held responsible for damage caused by them or their vessels to structures, pilings, and related facilities owned by the Town and shall indemnify and hold harmless the Town for any such damage or injury to any other persons or property.



15. The fueling of vessels at a Town facility will comply with all Federal, State, and local laws and regulations.
16. Commercial activities utilizing a Town dock, pier, wharf, float, or bulkhead to launch or rent their vessels, or to pick up and/or discharge passengers for hire, shall require a Town Landing Special Use Permit approved by the Board of Selectmen and a Docking Permit for Town Landings issued by the Harbormaster. The Special Use Permit and/or Docking Permit for Town Landings may contain terms, conditions or restrictions which are more stringent than those listed above.
  - a. Before embarking any passenger at a Town dock, pier, wharf, float or bulkhead, the owner or agent of any commercial activity must:
    - i. Obtain a Special Use Permit and a Docking Permit for Town Landings (A, B, or C).
    - ii. Present evidence that the operator of the vessel has a valid and appropriate license issued by the Coast Guard.
    - iii. Present evidence that the operator of the vessel intending to carry 6 or more passengers for hire meets the requirements of the Coast Guard.
    - iv. Vessel owners will at all times carry and cover a full in force liability insurance policy of not less than one million dollars (\$1,000,000.00) and shall hold harmless and indemnify the Town or Chatham against any and all claims pertaining to the operations relevant to the embarking/disembarking passengers from the municipal Fish Pier. A copy of this policy will be provided to the Office of the Harbormaster when applying for a permit.
  - b. All commercial activities are responsible for providing off-site parking or transportation to and from the off-site facility for all passengers utilizing the commercial activity.
  - c. All applications for a Docking Permit for Town Landings are subject to review by the Selectmen and the Harbormaster. A permit shall be denied to any vessel that fails to meet any of the requirements of these regulations, and may be denied to any vessel if it is determined that it would not be in the best interest of the Town, or that the available facilities are not adequate.
  - d. Docking Permits for Town Landings are not subject to abatement or refund and may not be transferred, except that the owner of a vessel with a valid Docking Permit may, after presenting evidence of the sale of that vessel, request that the permit be transferred to another vessel owned by him that meets all the requirements for obtaining a Docking Permit.
17. Resident charter and passenger vessels duly Coast Guard licensed to carry up to six passengers for hire are required to obtain a Docking Permit for Town Landings (Class A).
18. Resident charter passenger vessels duly Coast Guard licensed to carry seven or more passengers for hire are required to obtain a Docking Permit for Town Landings (Class B.)
19. Non-resident charter and passenger vessels duly Coast Guard licensed to carry up to six passengers for hire are required to obtain a Docking Permit for Town Landings (Class C).

20. Non-resident charter and passenger vessels duly Coast Guard licensed to carry seven or more passengers for hire are required to obtain a Docking Permit for Town Landings (Class D).
21. Docking Permits for Town landings become available for purchase, renewal and issuance annually on or about May 1<sup>st</sup> for the boating season beginning June 1<sup>st</sup>. Renewals will be mailed to the permit holder and must be returned by May 31<sup>st</sup>. Renewals received after May 31<sup>st</sup> will be charged a late fee. A person who fails to renew a Docking Permit for Town Landings by June 30<sup>th</sup> shall forfeit their permit. That permit may then be re-issued to the next appropriate vessel on the waiting list.
22. It is the responsibility of the Docking Permit holder to ensure that the Office of the Harbormaster has the current legal mailing address of the permit holder. A delayed or non-receipt of a Docking Permit renewal form via mail due to a failure of the customer to provide the Office of the Harbormaster with the most current legal mailing address will not be grounds to waive any late fees accrued or reinstatement of permit if the delay or non-receipt results in the forfeiture of the permit.
23. When the maximum number of permits for a Town Landing has been reached, there shall be an established waiting list for Docking Permits for Town landings by charter and passengers vessels embarking and disembarking passengers for hire. An application fee of \$5 for residents and \$15 for non-residents is required for placement on the wait list with an annual renewal to remain on the waitlist. Renewals to the waiting list will be mailed on or about May 1<sup>st</sup>. Renewals received after May 31<sup>st</sup> will be charged a late fee. It is the responsibility of the waiting list customer to ensure that the Office of the Harbormaster has the current legal mailing address. A delayed or non-receipt of a waiting list renewal form via mail due to a failure of the customer to provide the Office of the Harbormaster with the most current legal mailing address will not be grounds to waive any late fees accrued or reinstatement of their placement on the waiting list if the delay or non-receipt results in their removal from the waiting list. The Harbormaster shall post this list online.

## **§1027 Ramp Use Regulations**

1. Town of Chatham Boat Ramps- Prior to the use of any Town of Chatham boat ramp, a person must first obtain a Waterways User Permit for the vessel being launched/retrieved or be a current Chatham mooring permit holder for the vessel being launched/retrieved. Vehicles must display a current Waterways User Permit or current Chatham mooring permit on the vehicle's dashboard for the vessel in use.
2. Use of the boat launching ramp at the Old Mill Boat Yard and Crows Pond is reserved for Chatham residents and Chatham property taxpayers only, between June 1 and September 15. Non-residents may also utilize these ramps during this period for the private launching of their vessel if it has a valid Chatham mooring permit affixed to the vessel. Off-season use of the ramps is unrestricted.
3. Parking restrictions: See Town of Chatham Regulations for Town Landings, Landing Places, and other Town-owned Water Dependent Properties.

## **§1028 Commercial Haul-out and Wash-down**

1. The following conditions are part of the mooring permits of those vessel owner/operators utilizing Town property for haul-outs.

2. Haul-outs shall be limited to Ryder's Cove Town Landing and Old Mill Boatyard.
3. Haul-outs shall be limited to commercial fishing vessels of 35 feet (L.O.A.) or greater and in possession of a current Town of Chatham mooring permit. Other vessels may be accommodated if no commercial fishing vessels are in need of a haul-out.
4. Permission for haul-out use of a Town Landing shall be obtained from the Harbormaster no less than 72 hours in advance, except in an emergency. A list and schedule of work to be performed on the vessel shall be provided on an approved form to be filed with, and approved by the Harbormaster. Written approval from the Harbormaster shall be received prior to any haul-out.
5. Haul-outs may occur between September 15 and June 15. No haul-outs shall be permitted from the Friday before to the Monday after Memorial Day, dates inclusive. No haul-outs between June 16 and September 14 except for emergency purposes with prior permission from the Harbormaster.
6. Vessel owners shall ensure that the vessel is covered with a full, in-force liability and pollution insurance policy of not less than five hundred thousand dollars (\$500,000) which names the Town of Chatham as an additional insured. The policy shall also hold harmless and indemnify the Town of Chatham against any and all claims and damages pertaining to injuries, damages to other vessels or property, or pollution resulting from work on, or caused by, the vessel while the vessel is on Town property. Proof of insurance shall be filed with the Harbormaster at the time of issuance of a permit.
7. Vessel owners are responsible for securing their vessels, equipment and materials stored thereon. Town of Chatham is not responsible for any damage, theft, or vandalism that may occur to vessels on Town property.
8. Haul-outs are limited to a duration of seven (7) working days. A waiver of this limit may be given by the Harbormaster for extenuating circumstances. Vessels left on the premises longer than the approved duration may be fined and/or removed by the Harbormaster at the vessel owner's expense.
9. It is the responsibility of the vessel owner to provide all materials and equipment, unless otherwise provided by the Town, and required by these regulations, as well as for the removal of all trash, waste, and other by-seafood products generated during the haul-out period. No debris shall be stored or discarded at a Town Landing.
10. The Harbormaster may authorize the temporary shore-side berthing of any vessel, commercial fishing or otherwise, within the landing/haul-out area at any time on an emergency basis.
11. Prior to any vessel performing haul-out, power to all bilge pumps shall be disconnected and all through hull connections shall be secured to prevent accidental discharges. The vessel owner shall have oil absorption pads kept on-site and readily accessible, and placed beneath any portion of the vessel, if necessary, to absorb any bilge water or other fluids that may escape during the duration of the haul-out.
12. All filter cloth, oil pads, and other containment material or seafood products that become contaminated through use shall be removed daily or more frequently as directed by Town staff, from the premises and disposed of at an appropriate site.

13. No hazardous substances or materials shall be stored on the premises. The vessel owner shall be responsible for the removal and proper off-site disposal of all hazardous waste materials.
14. The vessel owner shall be responsible for all damages and repairs to the facility caused by their operations, including, but not limited to, remediation and clean-up costs.
15. The type of work allowed during haul-out shall be limited to those projects that are by their nature considered normal annual maintenance necessarily done while the vessel is out of the water. No major engine overhauls or extensive topside repairs, configurations or other substantial vessel rehabilitation customarily performed at a commercial boatyard is permitted.
16. No spray painting or power grinding is permitted on the premises unless the containment of all overspray and/or particulates generated by these activities can be demonstrated to the satisfaction of the Town. While painting any part of the vessel, tarps shall be placed below the vessel to contain any spillage of paint.
17. Power sanding is allowed under the following conditions:
  - a. Only dustless power sanding equipment that has been pre-approved by the Town is allowed for use.
  - b. All power sanding must be performed within a properly secured temporary enclosure encapsulating the immediate area to be worked upon and approved by the Town prior to initiation of work.
18. Power washing shall be performed in a designated area only, utilizing the municipally-owned recycling power washing system. Town staff shall be on-site to oversee operation of the system and monitor power washing activities.
19. Prior to any power washing an appropriate curtain containment system shall be erected around the vessel by the vessel owner to the satisfaction of the Town.
20. Only biodegradable cleaners shall be used while on Town property.
21. Power washing area shall be broom swept by the vessel owner after power washing is completed. The vessel owner shall dispose of the material collected at an approved off-site location.

## **§1029 Temporary Winter Shore-side Berthing**

1. Winter shore-side berthing shall be limited to those vessels owned by a Chatham resident or Chatham property taxpayer, and which have a current Town of Chatham mooring permit.
2. The Town assumes no liability for damage, vandalism, theft, fire, or other issues suffered by vessels while on Town property. Vessel owners shall provide a primary and emergency contact that shall be responsible for the vessel while in temporary berthing.
3. Temporary winter shore-side berthing for a limited number of commercial fishing vessels, 35 ft. or greater (L.O.A.) and over 14' beam and not readily transportable over the road may be

available at Ryder's Cove Town Landing (maximum up to 7 vessels) and/or Old Mill Boatyard (maximum up to 3 vessels) facilities from December 15 thru April 30.

- a. If there is adequate space remaining in either Ryder's Cove or Old Mill Boatyard storage areas, after accommodating eligible commercial fishing vessels, the Harbormaster may issue additional permits to other vessels.
4. Vessel owners seeking temporary shore-side berthing shall submit a request to the Harbormaster prior to September 15<sup>th</sup> of each year. Eligible applicant names will be drawn at random in a meeting of the Waterways Advisory Committee prior to October 1<sup>st</sup>.
5. Vessels shall be securely supported to the satisfaction of the Harbormaster and all jack stands shall be properly chained to preclude slippage. Vessels shall be positioned to ensure rainwater drains from the rear of the vessel and scuppers remain clear and open.
6. There shall be no discharge of any liquids and bilge pumps shall be disconnected. Bilge socks shall be placed in the bilge while on Town property.
7. Fuel tanks shall NOT be more than  $\frac{3}{4}$  full to ensure no fuel escapes due to heat expansion.
8. Vessel owners shall carry appropriate insurance in accordance with §1028-6 of this Section.
9. Harbormaster staff is authorized to board and inspect the vessel at any time while on Town property to ensure adherence to these regulations and that other proper safeguards are being met.
10. Funds collected using the fee schedule in Section 1004-4, with exception of the Wash-down Fee (4.c.), shall be deposited into a Town account dedicated to the improvement of marine infrastructure and dredging.

## **§1030 Regulations for Chatham Municipal Fish Pier [formerly a standalone set of regulations adopted by the Harbormaster]**

### **§1031 Applicability**

These regulations apply the use of Chatham Municipal Fish Pier, docks, floats, and bulkheads located in the waters of Aunt Lydia's Cove.

### **§1032 General Provisions**

1. The U.S. Coast Guard and the Town of Chatham shall have a-designated berths reserved for their use on a twenty-four-hour basis. No other vessel may use these berths. Under no circumstances shall a vessel be left unattended obstructing these berths.
2. The drinking of alcoholic beverages is prohibited on board any vessel tied to the Fish Pier.
3. The Harbormaster shall be responsible for the issue of all Docking Permits (MGL Chp. 91 Sec. 10C).
4. The Harbormaster shall be responsible for
  - a. Issuing all Docking Permits, and removal of all derelict vessels in accordance with Town of Chatham Bylaws.
  - b. The removal of any vessel illegally tied to the Fish Pier.
5. Before prescribing any regulations at the Fish Pier the Harbormaster may present said regulations to the Aunt Lydia's Cove Committee which shall hold a public hearing on the proposed regulations.

### **§1033 Loading and Unloading/Vessel Docking**

1. Commercial Fishing vessels must unload all seafood product at an unloading station maintained for that purpose by a tenant at the Fish Pier or in the yellow zone in the South Jog. Party vessels may unload that portion of their catch retained by the passengers at the South Jog floating dock.
  - a. Only two (2) vessels at a time shall be permitted to offload within the specified unloading areas. A third (3) vessel shall be permitted to offload within the specified area with the Harbormaster or Wharfinger's permission.
  - b. All unloading shall be accomplished so as not to interfere with any of the other operations of the Fish Pier facilities. All unloading shall be conducted between the hours of 8 a.m. and 9 p.m., but shall in no event commence before 8 a.m. Any vessel that has started unloading prior to 9 p.m. may finish the process. No vessel may begin unloading after 9 p.m.
  - c. No vessel may be left unattended while at any specified unloading area.
  - d. In all cases the vessel with immediate access to the off-loading area shall have priority over all other vessels provided that the buyer/packer is in place and ready to take out.

2. Any vessel using the unloading stations or the float shall not lie there for a period of time longer than is reasonably necessary to unload their catch, take on fuel, ice, supplies or passengers. If a longer time is required, permission must first be obtained from the Wharfinger.
3. Vessels may, with permission of the Wharfinger, Harbormaster and/or Assistant Harbormaster use the North and South Jogs for the minor repair or installation of mechanical or electrical equipment.
4. No unmanned vessel may be tied to any portion of the Fish Pier after 8 p.m., without special permission of the Harbormaster, Assistant Harbormaster, or Wharfinger.
5. The owner of any vessel causing damage to the Fish Pier shall be responsible for repairing, or having repaired, such damage, within 90 days to a condition satisfactory to the Town. Failure to meet these provisions may result in the suspension of Docking Permit until such time as repairs are completed.
6. No vessel shall be issued a Docking Permit that exceeds 50 feet in length.
7. Any vessel in the yellow zone shall move at the request of the Harbormaster, Assistant Harbormaster or Wharfinger or any operator of a permitted Vessel needing the berth to unload fish, shellfish, lobsters, or to take on gear or supplies.
8. No vessel with a fixed pulpit shall be issued a Docking Permit. Pulpits shall be fully retracted in the following areas at all times: Aunt Lydia's Cove Entrance Channel, Aunt Lydia's Cove, Chatham Harbor 3, and while tied to any portion of the Fish Pier, unless permission is granted otherwise from the Harbormaster or Wharfinger.
9. Vessels holding a valid Fish Pier Docking Permit, while actively engaged in the loading/unloading of fish seafood product, supplies or gear, shall be given priority in access to the fueling/offloading area on the face (east side) of the packing house.

### **§1034 Docking Permits**

1. Docking Permits become available for purchase, renewal, and issuance annually on or about May 1<sup>st</sup> for the fishing season beginning June 1<sup>st</sup>. Renewals will be mailed to the permit holder and must be returned by May 31<sup>st</sup>. Renewals received after May 31<sup>st</sup> will be charged a late fee. It is the responsibility of the Docking Permit holder to ensure that the Office of the Harbormaster has the current legal mailing address of the permit holder. A delayed receipt or non-receipt of a Docking Permit renewal form via mail due to a failure of the permit holder to provide the Office of the Harbormaster with the most current legal mailing address will not be grounds to waive any late fees accrued or reinstatement of permit if the delay or non-receipt results in the forfeiture of the permit.
  - a. No more than 100 Fish Pier Docking Permits shall be issued between May 1<sup>st</sup> and October 31<sup>st</sup> of any year.
2. The Harbormaster shall establish and maintain a Docking Permit waitlist. An application fee of \$5 for residents and \$15 for non-residents is required for placement on the wait list with an annual renewal to remain on the waitlist. Renewals to the waiting list will be mailed on or about May 1<sup>st</sup>.

Renewals received after May 31<sup>st</sup> will be charged a late fee. It is the responsibility of the waiting list customer to ensure that the Office of the Harbormaster has the current legal mailing address. A delayed or non-receipt of a waiting list renewal form via mail due to a failure of the customer to provide the Office of the Harbormaster with the most current legal mailing address will not be grounds to waive any late fees accrued or reinstatement of their placement on the waiting list if the delay or non-receipt results in their removal from the waiting list. Residents on the waitlist shall have a first right of refusal to obtain a Docking Permit when a Docking Permit becomes available. The Harbormaster will post this list online.

3. An individual who has declined a Docking Permit shall not be offered another permit until they have notified the Harbormaster, in writing 30 days in advance, of their intent and/or readiness to accept a Docking Permit. This will not affect ones' position on the waitlist so long as they continue to renew according to the specified regulations but does not guarantee an immediate issuance of a Docking Permit.
4. The following procedure shall be used for the renewal and issuance of Docking Permits:
  - a. A Docking Permit holder will be mailed annually a Docking Permit renewal form from the Office of the Harbormaster.
  - b. If a permit holder wishes to renew a permit, the applicant shall insure that all of the information on the form is accurate and that all requested information is complete.
  - c. Each applicant shall provide copies of the vessel registration or documentation as requested.
  - d. Each applicant shall provide a completed Search & Rescue form provided by the Office of the Harbormaster.
  - e. A permit holder who does not wish to renew the permit shall indicate such on the renewal form and return the form to the Office of the Harbormaster.
  - f. A permit holder who fails to renew their Docking Permit by May 31<sup>st</sup> shall forfeit this permit. Persons who fail to meet this deadline may apply to the Harbormaster for reinstatement during the month of June for that fishing season.
5. No new (first-time issued) Docking Permits are to be issued before a new applicant has proof of a place to keep the vessel that is signed by the Wharfinger or Harbormaster. This rule may also apply to current permit holders whose moorings become unusable.
6. Before unloading fish at the Fish Pier, all commercial fishing vessels must obtain a Docking Permit from the office of the Harbormaster.
7. Before unloading any shellfish or lobsters at the Fish Pier, all commercial fishing vessels must obtain, in addition to a Docking Permit, a Docking Permit F.
8. Except when unloading to the two leaseholders at the face of the Pier and before unloading seafood product in the specified unloading areas at the Fish Pier all commercial fishing vessels must first obtain, in addition to a Docking Permit, a South Jog Unloading Permit (Docking Permit F)



9. Before embarking any passenger at the Fish Pier or party vessel float, the owner or agent of any party vessel must:
  - a. Obtain a charter or passenger for hire permit (C, D, or E)
  - b. Present evidence that the operator of the vessel has a valid and appropriate license issued by the Coast Guard.
  - c. Present evidence that the operator of the vessel intending to carry 6 or more passengers for hire meets the requirements of the Coast Guard.
  - d. Vessel owners will at all times carry and cover a full in force liability insurance policy of not less than one million dollars (\$1,000,000.00) and shall hold harmless and indemnify the Town of Chatham against any and all claims pertaining to the operations relevant to the embarking/disembarking passengers from the Municipal Fish Pier. A copy of this policy will be provided to the Wharfinger when applying for a permit.
10. All applications for a Docking Permit are subject to review by the Selectmen, the Wharfinger, and the Harbormaster. A permit shall be denied to any vessel that fails to meet any of the requirements of these regulations, and may be denied to any vessel if it is determined that it would not be in the best interest of the Town, or that the available facilities are not adequate.
11. Docking Permits are not subject to abatement or refund and may not be transferred, except that the owner of a vessel with a valid Docking Permit may, after presenting evidence of the sale of that vessel, request that the Permit be transferred to another vessel owned by him that meets all the requirements for obtaining a Docking Permit.
12. Before transfer of a Docking Permit a vessel, in addition to the provisions of §1033(k), must meet the following:
  - a. An owner requesting the transfer of a Docking Permit to a larger vessel will be required to pay the difference in the per foot fee already paid and the per foot fee required for the larger vessel.
  - b. No rebate will be granted for the transfer of a Docking Permit to a smaller vessel.
  - c. With permission from the Harbormaster or Wharfinger resident owners of commercial fishing vessels that have had a valid Docking Permit for a period of not less than five consecutive years may convert or obtain a party vessel permit. Approvals of these requests are subject to space availability. When space is not available the owner of the Docking Permit may apply for the waiting list and be moved to the top of the list.
  - d. New first time charter vessel individuals, must be on the waiting list to be assigned a Charter Vessel Permit.
13. Upon the sale, disposal, or abandonment of a vessel with a Docking Permit, the owner or agent shall surrender the Docking Permit within ten days.

## §1035 Use of Floating Docks

1. The South Jog float is open for use by the general boating public on a first come, first serve basis.
2. Persons using the South Jog float for any type of private business must first obtain an appropriate Docking Permit.
3. Passenger loading and unloading may only be conducted at the South Jog floating dock. No other portion of the Fish Pier may be used for any loading or off-loading of passengers
4. The maximum amount of persons on the South Jog floating dock shall not exceed fifteen (15) persons at any one time.
5. Without the express permission of the Harbormaster, Assistant Harbormaster, or Wharfinger no vessel shall remain tied up to the South Jog floating dock for longer than fifteen (15) minutes in the red zone, and the yellow zone shall be used for loading/uploading only. If a longer period is necessary, permission may be granted by the Harbormaster, Assistant Harbormaster, or Wharfinger.
6. No dinghies or skiffs may remain tied to the South Jog float for longer than fifteen (15) minutes without permission of the Harbormaster or Wharfinger.
7. No dinghy or skiff greater than fourteen (14) feet may remain tied to the North Jog floating dock and those dinghies tied to the North Jog float, must do so in the green zone. All dinghies or skiffs must be a tender to a vessel with a valid Docking Permit. Vessels with a Docking Permit or the general public may tie up in the red zone for no longer than fifteen (15) minutes without the permission of the Harbormaster, Assistant Harbormaster, or Wharfinger.

### §1036 Enforcement

Fish Pier Docking Permits may be suspended or revoked by the Harbormaster for any violations of these regulations or other valid reason, such as conduct that creates a nuisance or constitutes a threat to public health or safety. Appeals of the decision of the Harbormaster must be made within thirty days of the denial, suspension or revocation. Appeals shall be directed to the Division of Waterways under the Department of Energy and Environmental Affairs.

### §1037 Suspended Regulations

The following Regulations have been suspended and may be reinstated by the Harbormaster after consultation with the Waterways Advisory Committee.

1. **Ryder's Cove Town Ramp**-Vehicles displaying a Chatham resident sticker may use the boat ramp at Ryder's Cove for the launching and retrieving of vessels without obtaining a Ramp Use Permit. For the purpose of this regulation residents shall mean any lawful resident of the Town and/or and Chatham property tax payer or any current mooring permit holder in Chatham.
2. **Barn Hill Landing Ramp**-Use of the Barn Hill Town Landing boat ramp is restricted to Chatham Residents, Chatham Non-Resident Property Taxpayers, current Chatham Mooring Permit Holders and Town Landing Special Use Permit Holders. This restriction is applicable only on days designated for the commercial fishing of striped bass in Massachusetts as identified by the MA Division of Marine Fisheries. Vehicles using this boat ramp must have a current Chatham Beach, Transfer Station or Recycle sticker affixed to the windshield of their vehicle. Non-

Residents who wish to use the boat ramp at Barn Hill Landing must display a copy of their current processed mooring permit of Town Landing Special Use Permit on the driver's side dashboard of their vehicle. No other stickers are valid for purposes of launching your vessel at this landing

Exceptions:

Federal, state, county and municipal government agencies.  
Commercial boat haulers and marine contractors.

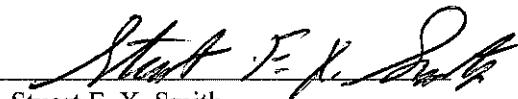
3. Outside the exemptions listed below, all visitors to the Town of Chatham desiring to use Ryder's Cove boat ramp must first obtain a Ramp Use Permit during the season for commercial fishing of striped bass in Massachusetts as identified by the MA Division of Marine Fisheries and ending September 30, excluding Labor Day weekend (Saturday, Sunday, and Monday.) No more than 60 permits will be issued during any one day on a first come, first serve basis. All users of the Ryder's Cove ramp during this period must first obtain a Ryder's Cove Ramp Use Permit issued by the Harbormaster. Permits may be purchased electronically or at the Harbormasters Office no earlier than 24 hours in advance at a daily rate of \$20.00 per permit. Permits are valid for only one 24-hour day (0000-2400), and are non-refundable. Permits can be purchased electronically by visiting the Town of Chatham web-site, and clicking the Daily Ramp Permit link on the Harbormaster page. Vehicles not displaying a current Chatham resident beach or transfer station sticker must display a current ramp permit or Chatham mooring permit on the vehicle's dashboard.

## §1038 Waterways By-Laws

Chapter 265, Waterways, of the Town of Chatham General Bylaws is hereby incorporated by reference and made a part hereof.

## §1039 Severability

In the event that any portion, section or clause of these Rules and Regulation is hereafter judiciously found to be invalid, such decision invalidity or voidance shall not affect the validity of the remaining portions of these Rules and Regulations.



Stuart F. X. Smith  
Harbormaster

10-1-19

Date

## Selectmen's Regulations for Chatham Municipal Fish Pier

[standalone set of regulations incorporated herein for reference]

### §1001 Authority and enforcement

1. These rules and regulations are adopted by the Board of Selectmen pursuant to Ch. 114 Sec. 2 of the 1943 Acts and Resolves of Massachusetts governing the use of the Chatham Town Wharf or so-called Fish Pier, to include but not limited to the bulkheads, packing house, parking areas and Wharfinger's building.
2. The Wharfinger, Harbormaster, and Assistant Harbormasters have the authority to enforce these regulations.

### §1002 Applicability

These regulations apply to the use of the Chatham Municipal Fish Pier located between Shore Road and the waters of Aunt Lydia's Cove.

### §1003 General provisions

1. All capitalized terms herein shall have the same meaning as set forth in Section 1001 of these Regulations.
2. No motor vehicles including motorcycles shall be allowed on the platform portion of the pier except forklift tow motors as used by the tenants in conjunction with the Fish Pier operations.
3. All vehicles used in the transportation of seafood product are responsible for containing all drainage/leakage of any liquids and /or fish waste from their vehicles except in the designated areas approved by the Harbormaster, Wharfinger and/or Assistant Harbormasters.
4. The dragging pushing or pulling of any fish containers totes or coolers is prohibited on all floating docks and gangways.
5. All refuse must be deposited in the containers supplied for this purpose and all waste oil must be deposited in the waste oil container.
6. The rubbish disposal containers are solely for the dumping of trash and debris generated at the Fish Pier, or from vessels with valid Docking Permits, all other dumping is prohibited.
7. The discharge, disposal or dumping of oil, dead fish, or parts, rubbish, refuse, or debris from the Fish Pier, vessel or other sources into or on the tidewaters or shores of Aunt Lydia's Cove is strictly prohibited. Violators will be prosecuted in accordance with all applicable Town, State, and Federal law.
8. The drinking of alcoholic beverages is prohibited at the Fish Pier.

9. No advertising is permitted at the Fish Pier, with the exception of those who have a valid Docking Permit and having been given special permission by the Wharfinger.
10. Only Docking Permit holders their crew (to include baiters) and Persons authorized by the Town of Chatham may use the bait room, waste oil tank, and rubbish containers. No Person may use the bait room to conduct an independent, baiting operation.
11. The storage of petroleum products and bottled gases is prohibited at the Fish Pier.
12. The improper use or abuse of the waste oil facility shall results in suspension of Docking Permit and prosecution in accordance with Town, State, and Federal law.
13. No pets are allowed unleashed at the Fish Pier and are prohibited in the fish packing areas.
14. There is hereby designated by the Selectmen a loading/unloading area for Seafood product within the area known as the yellow zone in the South Jog; said area shall consist of an area approximately 17 x 40 feet.
  - a. It shall be the responsibility of each captain to comply with these regulations and further be responsible for the clean-up of the area immediately after loading/unloading.
  - b. All vessels using the South Jog area will, prior to unloading, obtain a South Jog Unloading permit in addition to holding a current and valid Docking Permit (Fees listed in §1004(fj) of Waterways Regulations).
  - c. Packing vehicles may unload a vessel in the yellow zone in the South Jog under the following conditions: All buyers and /or packers shall have access to the vessel they are unloading, but in no event shall more than two (2) vehicles packing (taking fish out) be permitted in the lower level parking lot at any one time. All other packing vehicles will remain off site until such time as the vessel that they are attending to shall be in place to unload. Vehicles not actively unloading a vessel must be removed to an appropriate off-site location. No packing vehicle may be left unattended at any time. Each packer or buyer shall be required to have a vehicle permit for the current fishing season (fee listed in §1004(j) of Waterways Regulations. Buyer/Packers will park their vehicles at the direction of the Wharfinger.
15. Any person loading/unloading from a vehicle, to/from one of the fish packing lessee's, shall park directly in front of and use the respective packing house bay door.
16. There shall be no storage of nets, buoy lines, lobster traps, fish containers, barrels, pallets or any other fishery related materials in/on the parking lots, docks, jogs or floats without prior permission of the Harbormaster or Wharfinger.
17. There shall be no storage of any non-fishery related materials anywhere at the Fish Pier without prior permission from the Harbormaster or Wharfinger.
18. Any person causing damage to the Fish Pier shall be responsible for all repairs. The Wharfinger will be notified of any damages, and the person causing the damage will have seven (7) days to repair same, unless permission is otherwise given by the Town. If at any time the damage fails to be repaired, the Town reserves the right to make said repairs or affect any repair by whatever means necessary at the person's expense.

19. From June 15<sup>th</sup> thru Labor Day, vehicles with a vessel trailer in tow are prohibited in the lower lot between the hours of 4 A.M. and 6 P.M.
20. Any violation of a lease by the Lessee or his or her employee may result in a violation under this Section.

## §1004 Vehicle permits

1. Any independent buyer/packer business unloading finfish, lobster, or shellfish into any vehicle shall pay an annual fee of \$250. This shall not apply to any vessel with valid Docking and South Jog Offloading permits that unload their own Seafood product into their own vehicle.
2. Vessel owner/operators may park their vehicles in the lower and/or upper lots with valid and appropriate parking permits issued by the Selectmen or their authorized agent, under the following conditions:
  - a. Vehicle parking in the lower lot is reserved for commercial fishermen vessel owners/operators, who display a valid and current Lower Lot (L) parking permit issued with an appropriate Docking Permit.
  - b. Parking in the Upper lot (U) from June 15<sup>th</sup> through Labor Day, between the hours of 1 AM and 6 AM, is restricted to those vehicles displaying a current and valid Lower (L) or Upper (U) lot parking permit. The upper level parking permits shall only be issued to those:
    - i. who possess a valid Docking Permit but do not meet the criteria for a Lower lot (L) permit.
    - ii. crewman of a fishing vessel that has a valid Docking Permit. These crewmen must obtain an Upper lot (U) parking permit from the owner/operator of the fishing vessel with authorization from the Harbormaster. Fishing vessel owner/operators are responsible for retrieving parking permits from their crew who no longer fish on their vessel.
    - iii. owners of North Beach Island camps.
    - iv. charter vessel owners may issue one (1) temporary Upper lot (U) parking pass for use by their customers for the day in which they will be chartering the vessel from the Fish Pier. This temporary permit must have the date of the charter and the charter vessels name printed on it. This permit shall be visibly displayed on the vehicles dashboard.
  - c. From June 15<sup>th</sup> through Labor Day, three parking spaces in the upper lot shall be designated 1 hour parking for use by the general public between the hours of 1 AM and 7 AM.
  - d. Parking spaces in the Upper lot after 7 AM and before 1 AM shall be available to any vehicle on a first-come-first-served, space available basis, provided that non-permitted vehicles that remain in spaces from 1 AM to 6 AM shall be subject to towing or fines authorized in these regulations.

- e. Nothing herein shall prohibit the Selectmen from licensing any portion of the parking spaces for special events or under special circumstances.
3. A new first time parking permit will only be issued to an owner or agent of a vessel greater than 30 feet in length.
4. Parking permits may not be issued to any vehicle larger than 1 ton capacity
5. Permit parking in the lower lot is on a first come first serve basis. All vehicles must be legally parked in the spaces provided.
6. Electronic repair technicians, welders, and mechanics conducting minor repairs may ask the Wharfinger for a temporary parking permit.
7. Seasonally, the Wharfinger may designate parking spaces as "Truck and Trailer Combinations Only." These spaces will be clearly marked and will be available on a first come first serve basis. In the event these spaces are filled trailers may be detached from the towing vehicle and parked in a vacant space provided it is within the marked lanes. Off season trailer parking will be at the discretion of the Wharfinger.
8. Vehicles parked at the Fish Pier will be moved at the request of the Wharfinger.
9. Vehicles illegally parked, or parked in the designated "Truck and Trailer Combination Only" areas are subject to a fine and/or being towed away at the owner's expense.

## § 1005 Fuel permits

1. The Town Manager may in accordance with MGL Ch. 30B issue a fuel concession agreement for the purpose of dispensing diesel fuel, gasoline, and other related Seafood products from the fuel system at the Fish Pier packing building.
2. The holder of the Chatham Fish Pier Concession Agreement and other vendors selling fuel at the South Jog area will pay the Town of Chatham, by the 10<sup>th</sup> of each month, \$0.08 for each gallon of diesel and gasoline pumped.
3. Before any fuel company may deliver to the Fish Pier a permit must be obtained from the Town of Chatham that is valid for the current fishing season (fee listed in §1004 (g) of Harbormaster Waterways Regulations).
4. Vendors so authorized must carry on their fueling operations in a neat orderly manner, taking care to prevent fuel spillage or leaking either onto the dock, the surrounding ground area, or into the waters of Aunt Lydia's Cove, bearing sole responsibility and expense for any damages or cost incurred by anyone as a result of any such spillage or leakage.
5. Vendors so authorized will at all times carry and cover a full in-force liability insurance policy which includes among other specific protections insurance for any fuel spill or improper discharge of not less than ONE MILLION DOLLARS (\$1,000,000) and shall hold harmless and

indemnify the Town of Chatham against any and all claims pertaining to the management delivery and operations relevant to the sale of fuel and related Seafood products.

6. Vendors dispensing fuel to vessels shall pay to the Town of Chatham a fee (listed in §1004 of Harbormaster Waterways Regulations) for each gallon of fuel sold at the Fish Pier. Vendors shall on or before the 10<sup>th</sup> day of each month pay to the Town of Chatham the fee collected from fuel sales at the Fish Pier during the previous month.
7. Before any vessel may purchase fuel at the South Jog, the owner or agent must obtain a South Jog Fuel permit (fee listed in §1004 (g) of Harbormaster Waterways Regulations) in addition to a Docking Permit.

## **§ 1006 Fish Pier Packer Agreement Review Criteria**

1. The failure of the lessee to honor all terms of the agreement shall be grounds for a review and potential cancellation in accordance with the terms of the agreement.
2. The failure of the lessees to make available a loading dock for the use of buyers other than the lessee, provided that the lessee received reasonable notice for scheduling trucks, boxes, totes, ice, and packers shall be grounds for review.
3. In all cases, a review of a fish packers lease will be conducted three months prior to the expiration date of a current agreement by the Board of Selectmen and the Aunt Lydia's Cove Committee.
4. A review of a fish packer agreement may be called for by the Wharfinger and/or the Aunt Lydia's Cove Committee if their volume of fish packed during the 6 months prior to October 1 during the current fishing season falls below twenty-five percent of the total number of boxes landed at the Fish Pier and South Jog combined.
5. As a condition of holding a permit, packer or buyer agrees that it will not exercise nor permit its officers, agents, or employees to exercise any discrimination (whether by segregation or otherwise) against any person because of race, national origin, age or religion in the course of its use of the leased premises and further agrees to comply with all Federal or State rules and regulations relating to the payment of minimum wages to its employees in the operation of its business.

## **§ 1007 Supervisions and Enforcement**

1. Supervision of these regulations shall be the responsibility of the Selectmen and their agent, the Wharfinger.
2. Violations of these regulations may be punishable by fine of up to \$200 dollars, per offense as determined by the Wharfinger, Harbormaster and/or Assistant Harbormasters. Subsequent violations may result in suspension of Docking Permit.
3. The Wharfinger is authorized to issue parking tickets (non-criminal violations).
4. Permits under this chapter may be suspended or revoked by the Board of Selectmen upon recommendation of the Wharfinger or Harbormaster for violations of these regulations or other



valid reason such as conduct that tends to create a nuisance. The Selectmen will provide reasonable notice to the permit holder and will hold a hearing at which the permit holder will be heard and which shall include the reasons for potential suspension and/or revocation prior to making their decision.

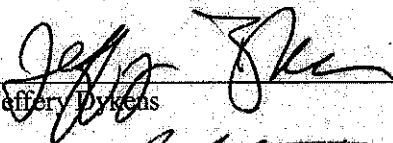
## § 1008 Severability

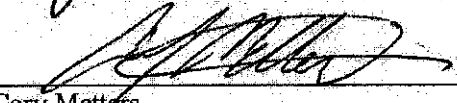
In the event that any portion, section, or clause of these Rules and Regulations is hereafter judiciously found to be invalid, such decision, invalidity, or voidance shall not affect the validity of the remaining portions of these Rules and Regulations.

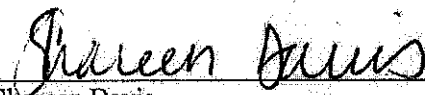
Board of Selectmen

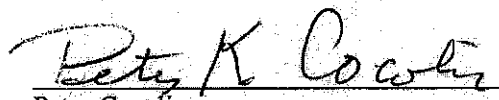
Date July 16, 2018

  
Dean Nicastro, Chairman

  
Jeffery Dykens

  
Cory Metters

  
Shareen Davis

  
Peter Cocolis

The following sections have been modified and/or new and revised on August 3, 2013

§1003 (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) & (n)(3) – General provisions

§1004 (a) – Vehicle permits

§1005 (d) – Fuel permits

§1006 (a) – Fish packer lease review criteria

§1007 (b) (d) – Supervision and enforcement

The following section(s) have been modified and/or new and revised on July 01, 2014:

§1004 (b) – Vehicle permits; delete old (b) replace with new (b).

§1004 (c) – has been moved to §1005 as 9b) {administrative correction only}